

# CONGRESS OF THE UNITED STATES

DELEGATION OFFICE  
STATE OF NEW MEXICO  
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May 29, 2020

Kenneth Cuccinelli  
Acting Director  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
20 Massachusetts Avenue, NW  
Washington, D.C. 20529

Dear Acting Director Cuccinelli:

We write to express our concerns regarding efforts undertaken by U.S. Citizenship and Immigration Services (USCIS) that are negatively affecting the readiness of our nation's health care workforce during the COVID-19 pandemic. We were alarmed by USCIS's March 20, 2020 decision to suspend premium processing efforts for all Form I-129 (Petition for a Nonimmigrant Worker) and Form I-140 (Immigrant Petition for Alien Workers) petitions and believe the suspension, coupled with a failure to modify existing policies associated with the H-1B and J-1 visa programs, exacerbated physician shortages in rural and underserved areas during this public health emergency. While we are pleased to see that USCIS has taken preliminary steps towards reviving premium processing, we encourage USCIS to process these applications as quickly as possible and without any unnecessary delay.

Although the COVID-19 virus has further strained our nation's health care workforce, the problem is not new for rural and underserved areas that already lacked a sufficient number of physicians, nurses, and providers to adequately treat their patient populations. Although roughly 20% of the nation's population resides in rural areas, only 11% of physicians practice there. Thirty-one out of 33 of New Mexico's counties are designated as Health Professional Shortage Areas (HPSAs). New Mexico also has the oldest active physician population, further exacerbating access issues even before the added pressure of the pandemic.

According to the Department of Homeland Security (DHS), the Department of State (DOS), and USCIS, there were a total of 1,750 J-1 exchange visitor visas in 2018 and 1,032 H-1B visas in 2020 in New Mexico. Of the H-1B visa holders, roughly 265 are currently working in the health care sector. Additionally, the New Mexico Department of Health (NMDOH) reports that a total of 89 physicians are currently serving out their 3-year obligation through the J-1 visa program. These visa programs and related programs, such as the Conrad 30 program, have played an invaluable role in bolstering the health care workforce in rural and underserved areas. A prolonged suspension of visa processing that results in losing even one physician currently practicing in our state under one of these visa programs

would be devastating as communities are struggling to provide vital health care services to COVID-19 patients.

The New Mexico congressional delegation strongly believes that we should be encouraging, not hindering, physicians and health care workers seeking employment visas during this extraordinary time. Specifically, we believe that USCIS could quickly and positively strengthen the nation's health care workforce by:

1. Expeditiously processing all relevant petitions for health care workers;
2. Expediting all existing Employment Authorization Documents (EADs) for health care workers;
3. Modifying your "Final Guidance on When to File an Amended or New H-1B Petition After Matter of Simeio Solutions, LLC" to allow H-1B and J-1 visa holders the flexibility to move quickly to locations where their services are critically needed, like New Mexico's rural and underserved areas; and
4. Providing, from the period of April 1 – May 29, 2020 the total number of H-1B and J-1 applicants who were health care workers and the total number of applications denied.

We must not punish foreign physicians and health care providers looking to step up and serve during this crisis. We encourage USCIS and the relevant departments to take the actions necessary to enhance, not diminish, our health care presence and capacity in rural and underserved areas. The congressional delegation would be happy to work with you on this.

We thank you for your time and look forward to your prompt response.

Sincerely,

/s/ Tom Udall  
United States Senator

/s/ Ben Ray Luján  
United States Representative

/s/ Martin Heinrich  
United States Senator

/s/ Debra Haaland  
United States Representative

/s/ Xochitl Torres Small  
United States Representative